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Letter dated 12 November 2008 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council

I have the honour to transmit herewith the assessments of the President and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of the completion strategy of the Tribunal, pursuant to Security Council resolution 1534 (2004), as at 9 November 2009 (see enclosure).

I should be grateful if you would transmit the enclosed report to the members of the Security Council.

(*Signed*) Dennis **Byron**
President

09-60547 (E) 241109

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Enclosure

[Original: English and French]

Report on the completion strategy of the International Criminal Tribunal for Rwanda

(as at 9 November 2009)

Contents

		Page
	Introduction	4
1.	Activities in Chambers	4
	A. Activities at first instance	4
	a. Judgements (annex 1 (A))	5
	b. Cases in judgement drafting phase (annex 1 (B))	5
	c. Cases where evidence is completed and closing arguments will be heard soon (annex 1 (C))	7
	d. Ongoing trials (annex 1 (D))	7
	e. Cases in pretrial phase (annex 2)	8
	B. Activities at the Appeals Chamber	9
2.	Measures implementing the Completion Strategy	10
	A. Judicial management	10
	a. Judicial calendar	10
	b. Management of proceedings	10
	B. Judges and staff management	11
	a. Judges	11
	b. Staff management	12
	c. Expansion of the Appeals Chamber	12
	C. Rule amendment	13
	D. Work of the Office of the Prosecutor — referrals	13
	E. Cooperation between States and the Tribunal	14
	F. Outreach, capacity-building and legacy matters	14
	G. Residual issues	15
	Conclusion and updated prognosis regarding the implementation of the Completion Strategy	18

Annex 1 (A) 20
Annex 1 (B) 23
Annex 1 (C) 25
Annex 1 (D) 26
Annex 2 27
Annex 3 28

Introduction

1. In 2003, the International Criminal Tribunal for Rwanda ("Tribunal") formalized a strategy ("Completion Strategy") to achieve the objectives of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008 and all of its work in 2010, in accordance with Security Council resolution 1503 (2003).

2. The present report, in conjunction with previous submissions to the Security Council pursuant to resolution 1534 (2004), provides an overview of the Tribunal's progress to date in implementing the Completion Strategy, which has been continuously updated and developed since 2003.[1]

1. Activities in Chambers

A. Activities at first instance

3. The three Trial Chambers of the Tribunal, located in Arusha, have delivered four judgements in single-accused cases since 5 May 2009, including one contempt of court case and a sentencing judgement for a guilty plea.[2] Six cases concerning 17 accused, including one retrial, are in the judgement drafting phase,[3] with at least two more judgements to be delivered before the end of 2009.[4] The presentation of evidence has been completed in two single-accused cases and closing arguments are forthcoming at the beginning of 2010.[5] Six trials involving eight accused are ongoing.[6]

4. The Tribunal continues to face a variety of challenges that affect the duration of trials and judgement drafting, linked mainly to fair trial concerns, staff constraints and parallel assignments of judges to several of the numerous ongoing trials. The evidence phase of all first instance trials is now projected to be finalized before mid-2010, with the exception of the trial in *Karemera et al.* for reasons set out below. Preparations for the trials of two recently arrested indictees have commenced.[7]

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[1] See the reports submitted to the United Nations on 14 July 2003 and 29 September 2003, in connection with General Assembly resolution 57/289 (2003) and the Tribunal's request to increase the number of *ad litem* judges sitting "at any one time". Completion Strategy reports were submitted to the President of the Security Council on 30 April 2004, 19 November 2004, 23 May 2005, 30 November 2005, 29 May 2006, 8 December 2006, 31 May 2007, 20 November 2007, 13 May 2008, 21 November 2008 and 14 May 2009.

[2] *Renzaho, Kalimanzira, Nshogoza, Bagaragaza*: further explanation is provided in paragraphs 5 to 8.

[3] *Nsengimana, Setako, Bizimungu et al., Nyiramasuhuko et al.* ("Butare"), *Ndindiliyimana et al.* ("Military II"), *Muvunyi:* further explanation is provided in paragraphs 10 to 14.

[4] *Muvunyi* and *Nsengimana*.

[5] *Munyakazi, Hategekimana*: further explanation is provided in paragraphs 16 and 17.

[6] *Kanyarukiga, Ngirabatware, Karemera et al., Ntawukulilyayo, Gatete, Nzabonimana*: further explanation is provided in paragraphs 19 to 24.

[7] *Ndahimana, Nizeiyimana*: further explanation is provided in paragraphs 26 and 27.

a. Judgements (annex 1 (A))

5. On 14 July 2009, Trial Chamber I rendered judgement in the matter of *Tharcisse Renzaho*, a colonel and former prefect of Kigali-Ville. The Chamber, composed of Judges Møse, presiding, Egorov and Arrey, sentenced Renzaho to life imprisonment for genocide, crimes against humanity and war crimes. In all, 53 witnesses were heard over 49 trial days.

6. A section of Trial Chamber III, composed of Judges Byron, presiding, Kam and Joensen, delivered the judgement in the case against *Callixte Kalimanzira*, the former *Chef de cabinet* of the Ministry of the Interior. On 22 June 2009, the Chamber found Kalimanzira guilty of genocide and direct and public incitement to commit genocide and sentenced him to 30 years' imprisonment. The Chamber heard 66 witnesses, including Kalimanzira himself, over 37 trial days.

7. Another section of Trial Chamber III, composed of Judges Khan, presiding, Muthoga and Akay, delivered the judgement against *Léonidas Nshogoza*, a former Defence investigator in the *Kamuhanda* trial, on 2 July 2009. After 23 trial days, during which the Chamber heard 16 witnesses, including Nshogoza himself, it convicted Nshogoza on one count of contempt of the Tribunal and acquitted him on three other counts in the indictment. The Chamber sentenced Nshogoza to 10 months' imprisonment. Noting that Nshogoza was entitled to credit for time served at the United Nations Detention Facility in Arusha since 8 February 2008, the Trial Chamber ordered his immediate release. During the reporting period, the Trial Chamber also delivered eight decisions and five orders.

8. A third section of Trial Chamber III, composed of Judges Joensen, presiding, Tuzmukhamedov and Kam, rendered the sentencing judgement against *Michel Bagaragaza*, the former Director General of the Government office that controlled the Rwandan tea industry, on 5 November 2009. He was sentenced to eight years' imprisonment. Bagaragaza's trial was scheduled to start on 31 August 2009. However, shortly before this date, the parties filed a joint motion for consideration of a guilty plea for complicity in genocide. The Chamber accepted the guilty plea of the accused on 17 September 2009 and granted the Prosecution's motion to amend the indictment, dropping all other charges against Bagaragaza. On 3 and 4 November 2009, the Chamber heard one character witness, admitted written evidence and heard the closing arguments of the parties. The Pre-Trial and the Trial Chambers issued nine decisions and orders during the reporting period.

b. Cases in judgement drafting phase (annex 1 (B))

9. Six cases are currently in judgement drafting phase. For three of these single-accused cases, judgements are expected to be issued before the end of 2009 or in early 2010, while in the remaining three cases, involving 14 accused, judgements will be delivered before the end of 2010.

10. Trial Chamber I, composed of Judges Møse, presiding, Egorov and Arrey, is engaged in deliberations on two cases. The first case is that of *Hormisdas Nsengimana*, a priest and former rector of Collège Christ-Roi in Nyanza. A total of 43 witnesses testified over the course of 42 trial days. Closing arguments were heard on 12 and 13 February 2009. Judgement will be delivered on 17 November 2009. The second case is that of *Ephrem Setako*, a lieutenant-colonel and Director of the Judicial Affairs Division of the Ministry of Defence. A total of 56 witnesses gave

evidence during 60 trial days. On 5 October 2009, the parties filed their final closing briefs. Closing arguments were heard on 5 and 6 November 2009. Judgement writing will probably spill over into early 2010. The same bench that is preparing both judgements has also been managing the pretrial work in two other cases, and Judge Arrey is presiding over the *Munyakazi* trial.

11. A section of Trial Chamber II, composed of Judges Khan, presiding, Muthoga and Short, has continued the judgement drafting in the *Bizimungu et al.* case, which involves four former ministers of the Interim Government (Casimir Bizimungu, Justin Mugenzi, Jérôme Bicamumpaka and Prosper Mugiraneza), which was installed after the assassination of former Rwandan President Habyarimana. The trial spanned 404 trial days, during which 171 witnesses testified and over 8,000 pages of exhibits were entered into evidence. Judgement delivery is expected by the end of 2010. The Chamber has delivered decisions on eight pending motions during the reporting period. In addition, two judges from this Chamber have handled pretrial matters in several cases, delivered the judgement in the trial against *Nshogoza* and are currently hearing the evidence in the *Ntawukulilyayo* and *Gatete* trials. The third Judge has been working part-time since August 2009.

12. Another section of Trial Chamber II, composed of Judges Sekule, presiding, Ramaroson and Bossa, continues with deliberations and judgement drafting in the *Nyiramasuhuko et al.* trial ("*Butare*" case), involving six accused: Pauline Nyiramasuhuko, Arsène Shalom Ntahobali, Sylvain Nsabimana, Alphonse Nteziryayo, Joseph Kanyabashi and Élie Ndayambaje. The trial lasted over 726 days and 59 Prosecution and 130 Defence witnesses were heard. Judgement delivery is expected by the end of September 2010. During the reporting period, the Chamber issued one order. Each of the three judges of the bench is also presiding in a trial (*Ngirabatware*, *Hategekimana* and *Nzabonimana*) and one judge is sitting in addition as a member of the bench in another trial.

13. The *Ndindiliyimana et al.* trial ("*Military II*" case) before another section of Trial Chamber II, composed of Judges De Silva, presiding, Hikmet and Park, commenced in September 2004 and closing arguments were heard from 24 to 26 June 2009. The Chamber is now involved in the judgement drafting process and judgement delivery is expected by the end of September 2010. The trial involves four former military leaders, Augustin Ndindiliyimana, Augustin Bizimungu, François Xavier-Nzuwonemeye and Innocent Sagahutu. During the course of 393 trial days, the Chamber heard a total of 217 witnesses and admitted 965 exhibits. In the reporting period, the Chamber issued six written decisions. Two judges of the bench are sitting in the *Kanyarukiga* trial, and one of them also sits in the *Hategekimana* trial. The Presiding Judge has been working part-time since June 2009.

14. A section of Trial Chamber III with Judges Byron, presiding, Kam and Joensen, heard the evidence in the retrial against *Tharcisse Muvunyi*, the former interim commander of the École des sous-officiers camp in Butare. The retrial is limited to one allegation of the indictment, i.e., incitement to commit genocide. The Chamber heard 13 witnesses over nine trial days. The parties filed their closing brief on 23 September 2009, and the Chamber heard their closing arguments on 2 October 2009. During the retrial, the Chamber rendered 11 decisions and orders. The judgement will be delivered before the end of 2009. The judges of the bench are also sitting in the *Karemera et al.* trial and handled pretrial matters in several cases.

In addition, two of the judges are part of the bench in the *Bagaragaza* guilty plea proceedings.

c. Cases where evidence is completed and closing arguments will be heard soon (annex I (C))

15. In two trials, the evidence phase has been completed, and the Chambers will hear the closing arguments in early 2010.

16. The trial of *Yussuf Munyakazi*, an alleged Interahamwe leader, commenced on 22 April 2009 before a section of Trial Chamber I, composed of Judges Arrey, presiding, Rajohnson and Akay. The Trial Chamber heard 11 Prosecution witnesses and 20 Defence witnesses over 19 trial days. The parties are to file their closing briefs by 7 December 2009 and present oral arguments on 29 and 30 January 2010. The Trial Chamber expects to deliver its judgement in May 2010. During the course of the trial to date, the Trial Chamber issued 12 written decisions and a number of oral decisions.

17. A section of Trial Chamber II, composed of Judges Ramaroson, presiding, Hikmet and Masanche, has completed the evidentiary phase in the case of *Ildephonse Hategekimana*, a commander of the Ngoma Military Camp. The Chamber heard 40 witnesses over 42 trial days and issued 35 interlocutory decisions and orders. The parties' closing briefs are scheduled to be filed on 15 January 2010 and, following the translation of the parties' briefs into French and English, respectively, their closing arguments are to be heard on 25 February 2010. The judgement is scheduled for delivery in May 2010.

d. Ongoing trials (annex I (D))

18. Five single-accused cases and one multi-accused case are currently ongoing before the Trial Chambers.

19. The trial against *Gaspard Kanyarukiga*, a businessman, commenced on 31 August 2009 before a section of Trial Chamber II, composed of Judges Hikmet, presiding, Park and Masanche. After calling 11 witnesses over 14 trial days, the Prosecution closed its case on 17 September 2009. The Defence case is scheduled to take place between 18 January and 12 February 2010 to allow the Defence adequate time and facilities for the preparation of its case. A total of 19 written decisions and orders, including the decision on the Defence motion for judgement of acquittal, and five oral decisions were issued during the reporting period. Judgement delivery is expected in July 2010.

20. The trial of *Augustin Ngirabatware*, the Minister of Planning in the Government of Rwanda during 1994, commenced on 23 September 2009 before a panel of Trial Chamber II, composed of Judges Sekule, presiding, Bossa and Rajohnson. The trial was initially scheduled to start on 15 May 2009, but was delayed owing to a decision by the Appeals Chamber granting the Defence additional time to prepare for trial and owing to the subsequent replacement of Defence Counsel. During the reporting period, six witnesses completed their testimony. The Prosecution case has been adjourned so that two judges of the bench can hear the Prosecution evidence in the *Nzabonimana* trial, and will resume in January 2010. The Chamber has issued 13 written and 10 oral rulings during the reporting period. Judgement delivery is expected in early 2011.

21. A section of Trial Chamber III, composed of Judges Byron, presiding, Kam and Joensen, continued hearing evidence in the *Karemera et al.* case, involving Édouard Karemera, former Minister of the Interior, Joseph Nzirorera, former President of the National Assembly, and Matthieu Ngirumpatse, former President of the Mouvement républicain pour le développement national et la démocratie. The first accused, Karemera, closed his case on 28 May 2009 after 60 trial days. During the reporting period, the Chamber rendered 67 decisions and orders, including a decision on remand from the Appeals Chamber regarding the continuation of trial. The Chamber reversed its earlier decision to sever Ngirumpatse from the case. Proceedings recommenced on 19 October 2009, with the presentation of Joseph Nzirorera's case. In order to allow Ngirumpatse to participate in the trial despite his poor health, the case is currently being heard in half-day sessions only. The trial is scheduled to continue in 2010 with the judgement to be delivered by mid-2011.

22. Another section of Trial Chamber III, composed of Judges Khan, presiding, Muthoga and Akay, is hearing the evidence in the case against *Dominique Ntawukulilyayo*, former *Sous-préfet* of Gisaraga *Sous-préfecture* in Butare *Préfecture*. The trial opened on 6 May 2009, and the Prosecution closed its case on 26 May 2009 after calling 12 witnesses over 12 trial days. The Defence case commenced on 23 September 2009 and is expected to close in November 2009. During the reporting period, the Trial Chamber delivered decisions on eight motions and issued four orders. Judgement delivery is expected in September 2010.

23. The same bench is hearing the evidence in the trial against *Jean-Baptiste Gatete*, a former *Bourgmestre* of Murambi *commune* and alleged Interahamwe leader. Following an order by the Pre-Trial Chamber, the Prosecution filed a second amended indictment on 7 July 2009. The trial opened on 20 October 2009, and by 6 November 2009, the Chamber had heard 13 witnesses over seven trial days. The Prosecution is expected to conclude its case in November 2009 and the Defence case will follow in early 2010. During the reporting period, the Chamber rendered 10 decisions and one order. Judgement delivery is expected in December 2010.

24. The trial in the case of *Callixte Nzabonimana*, Minister of Youth in the Interim Government, started on 9 November 2009 before another section of Trial Chamber III composed of Judges Bossa, presiding, Tuzmukhamedov and Rajohnson. The commencement of the trial had to be postponed in order to allow the Defence additional time for preparation. During the reporting period, the Pre-Trial Chamber rendered nine decisions and orders, including one regarding cooperation with France, and the Trial Chamber issued an additional five decisions. The Trial Chamber expects the Prosecution to conclude its case by the end of 2009, and the Defence to present its case during the first half of 2010. Judgement delivery is expected in early 2011.

e. Cases in pretrial phase (annex 2)

25. Two fugitives have recently been arrested and transferred to the Tribunal. Preparations have begun for the commencement of their trials in the course of 2010.

26. Grégoire Ndahimana, *bourgmestre* of Kivumu, was arrested on 10 August 2009 in the Democratic Republic of the Congo and transferred to Arusha on 21 September 2009. He made his initial appearance before Judge Khan on 28 September 2009 and pleaded not guilty to all counts in the indictment. The case was initially earmarked for referral to a national jurisdiction under rule 11 *bis* of the Rules of Procedure and

Evidence. However, for the time being, no such request has been made by the Prosecutor. Trial Chamber III, composed of Judges Byron, Joensen and Akay, is handling pretrial matters in view of a possible commencement of the trial before the Tribunal in the first half of 2010.

27. Idelphonse Nizeyimana, former second-in-command in charge of intelligence and military operations at the École des sous-officiers, was arrested on 5 October 2009 in Uganda and transferred to Arusha one day later. He made his initial appearance before Judge Khan on 14 October 2009 and pleaded not guilty to all counts in the indictment. Nizeyimana is one of the four fugitives who are earmarked for trial before the Tribunal due to their alleged high-rank responsibility in the genocide. Preparations for a commencement of his trial in the course of 2010 have commenced. Trial Chamber III, composed of Judges Byron, Kam and Joensen, is handling pretrial matters.

B. Activities at the Appeals Chamber

28. The Appeals Chamber is presently seized of eight appeals from judgement. In the *Bikindi* case, both parties appealed from the trial judgement rendered on 2 December 2008. The appeals were heard on 30 September 2009. In the *Zigiranyirazo* case, the trial judgement was rendered on 18 December 2008, both parties appealed, and the appeals were heard on 28 September 2009. In the *Nchamihigo* case, the appellant filed his notice of appeal on 6 March 2009 and the appeal was heard on 29 September 2009. The deliberations and judgement drafting in these three cases are presently in progress; the appeal judgement in the *Zigiranyirazo* case will be delivered on 16 November 2009.

29. In the case of *Bagosora et al.*, the written trial judgement was issued in English on 9 February 2009. Théoneste Bagosora has been directed by the Appeals Chamber to file his notice of appeal no later than 30 days from the date of the filing of the French translation of the trial judgement. Co-defendants Aloys Ntabakuze and Anatole Nsengiyumva filed their notices of appeal in March 2009, and the briefing in respect of Ntabakuze's appeal is now complete. In the *Rukundo* case, the trial judgement was rendered on 27 February 2009, the Prosecution filed its notice of appeal on 4 April 2009 and the Appeals Chamber granted an extension of time to Emmanuel Rukundo to file his notice of appeal within 30 days of the filing of the French translation of the trial judgement. Rukundo filed his notice of appeal on 6 November 2009 and the briefing of both appeals is proceeding. In the *Kalimanzira* case, in which the trial judgement was rendered on 22 June 2009, both Callixte Kalimanzira and the Prosecution filed notices of appeal. Kalimanzira received an extension of time to file his appeal brief within 75 days of the filing of the French translation of the trial judgement; the briefing of the Prosecution's appeal is proceeding. In the *Renzaho* case, in which the trial judgement was rendered on 14 July 2009, Tharcisse Renzaho filed his notice of appeal on 2 October 2009. The Appeals Chamber is also seized of an appeal brought by Léonidas Nshogoza, who is appealing his contempt conviction. The briefing in this case was completed on 24 August 2009 and deliberations and judgement drafting are in progress.

30. Since the previous report in May 2009, in addition to hearing the appeals in the *Bikindi*, *Zigiranyirazo* and *Nchamihigo* cases, the Appeals Chamber rendered seven decisions disposing of interlocutory appeals, eight decisions concerning review or other requests and 75 pre-appeal orders and decisions.

2. Measures implementing the Completion Strategy

The following section supplements prior reports and highlights essential elements of the Tribunal's efforts to comply with its Completion Strategy.

A. Judicial management

a. Judicial calendar

31. Every six months, the Office of the President issues a judicial calendar after consultation with the Presiding Judges in each case and, whenever possible, with representatives of the Prosecution and the Defence. This calendar is constantly updated and adapted to recent developments.

32. Modifications of the calendar are required frequently due to a variety of factors, which are mostly not within the control of the Tribunal and which need to be taken duly into account in order to ensure that all accused receive a fair trial. During the reporting period, these factors included, for example, resignation of a Defence team, the continued illness of an accused, and a decision from the Appeals Chamber requiring the Pre-Trial Chamber to grant the Defence additional time for preparation of the trial. In addition, the intense workload of all the judges, who sit on multiple cases, implies that a delay in one case often has an adverse impact on the scheduling for other cases in which the same judges are involved.

33. In particular, in the current pre-closure and downsizing phase, the judicial calendar is the basis of planning for all three organs of the Tribunal concerning the scope of budget requests and contract extensions, the end dates of which are now closely linked to the assignments to be completed by each staff member. The frequent need for adaptations of this calendar therefore remains a continuous challenge, and flexibility is essential to ensure that the Tribunal has the necessary resources available at all times for efficiently completing its tasks.

34. Between May and November 2009, 10 different sections of the Trial Chambers used the four courtrooms of the Tribunal in 12 different cases to hear evidence, closing arguments, initial appearances and pretrial matters, while intense out-of-courtroom pretrial, trial and judgement drafting work continued at the same time in all three Chambers.

b. Management of proceedings

35. During the reporting period, the Tribunal achieved significant results, and in the majority of cases, the Chambers were able to adhere to the time standards set out in previous reports.

36. The projected average duration of four weeks for the presentation of Prosecution and Defence evidence was met during the reporting period in almost all the trials that commenced during the period. Certain cases took significantly less time, such as the *Munyakazi* trial, with the Prosecution closing its case after seven trial days.

37. During the reporting period, the Prosecution phase was completed in six trials. Four of these cases complied substantially with the time standard of approximately six to eight weeks for the break between the presentation of the Prosecution and the

Defence cases. In the other two cases, fair trial standards required that the break be extended to allow additional time for the preparation of the Defence.

38. Chambers experienced some difficulties meeting the standards for the average duration of the break between closure of the evidence and the filing of closing briefs of two months, and between the filing of closing briefs and the presentation of oral closing arguments of three weeks, often due to translation requirements and staffing constraints in the Language Support Section of the Tribunal.

39. It was projected in the previous report that based on the currently available staffing level, judgements would be rendered within eight months after the closing of the evidence in single-accused cases. During the reporting period, three trial judgements were delivered. Two of them were rendered earlier than projected, after three and four months respectively (*Nshogoza*, *Kalimanzira*). Every effort is being made to meet the standard of eight months in all forthcoming judgements.

40. The judgement drafting process in the three multi-accused cases, which have completed the evidence stage, is ongoing. It is continuously challenged by the parallel involvement of judges and legal staff in other cases, both in the pretrial and trial phases, as well as by the late arrival of new staff to work exclusively on the judgement drafting and a high rate of staff turnover. Judgement delivery is now expected in September and December 2010.

41. Pretrial work for the commencement of the trials of the two newly arrested accused has begun with the goal of providing the parties timely support and all facilities for an efficient trial preparation.

42. The Trial Chambers continue to work on improving the management of trials on all levels, from the pretrial to the actual trial phase and to judgement drafting. An ongoing dialogue between the Presiding Judges of each case and the Office of the President, including on workplans for all stages of the trial, ensures that problems can be addressed early. An advisory strategic panel has been established and has adopted further recommendations for the improvement of pretrial and trial management. These recommendations include the appointment of a Liaison Officer in the Registry who assists Chambers to evaluate the state of preparations of each defence team and informs Chambers about difficulties that could affect the trial progress.

B. Judges and staff management

a. Judges

43. Currently, nine permanent judges and 11 *ad litem* judges are serving at the Tribunal. Two of the permanent judges are assigned to the Appeals Chamber. Another permanent judge, Judge Sergei Egorov, resigned in August 2009. However, he has been authorized by the Security Council, in its resolution 1878 (2009), to complete his assignments. Following Judge Egorov's resignation, Judge Bakhtiyar Tuzmukhamedov from the Russian Federation joined the Tribunal in September 2009. Permanent Judge Asoka De Silva and *ad litem* Judge Emile Short have been authorized by the Security Council, in the same resolution, to work part-time while completing their current assignments and to take up employment in their home countries.

44. Security Council resolution 1878 (2009) extended the mandate of all but one of the currently serving judges until 31 December 2010 or until completion of the cases to which they are assigned, if sooner. Judge Møse did not wish to extend his service beyond 31 December 2009, but may need to have his mandate extended into early 2010 in order to complete the judgement writing in the *Setako* case. A request to this effect has been submitted for the attention of the Security Council.

45. With the exception of the two part-time judges, all judges are assigned to at least two cases and several sit on the bench of three cases in various trial stages at one time.

46. In particular with a view to this heavy workload, the inequality in emoluments between permanent and *ad litem* judges remains a source of concern. Eight out of the 11 *ad litem* judges currently serving at the Tribunal will have been in service for longer than three years by the time they complete their current assignments and many have served for five years or longer. The President of the Tribunal has asked the Secretary-General to take appropriate steps to bring this matter to the attention of the General Assembly.

b. Staff management

47. Staff retention remains a major challenge. The downsizing process has begun in some sections of the Tribunal for certain functions that are no longer considered essential. However, maintaining an adequate level of competent, committed and experienced staff for the core functions of the Tribunal, i.e., the ongoing intense trial activity, including trial support activities such as investigations and tracking, is critical to avoid further delays in the finalization of trials and the delivery of judgements. The Tribunal's budgetary request for the 2010-2011 biennium reflects this situation.

48. As soon as possible, the Tribunal intends to offer contract extensions into the next biennium in line with the schedule of trials to those staff members whose tasks are still considered essential. Providing such increased contract security should assist in upholding staff morale and increasing staff retention during the pre-closure phase.

c. Expansion of the Appeals Chamber

49. Security Council resolution 1878 (2009) authorized an expansion of the Appeals Chamber by up to four additional judges from both the Rwanda Tribunal and the International Criminal Tribunal for the Former Yugoslavia over the next few years. In view of the intense appellate work awaiting the Appeals Chamber in 2010 and 2011, following the increased number of trial judgements to be delivered, this expansion, which will require additional legal support staff, is essential for the successful completion of its workload until mid-2013, as currently expected.

C. Rule amendment

50. At the Plenary Session of 1 October 2009, the Judges of the Tribunal approved an amendment of the Rules of Procedure and Evidence (new rule 71 *bis*), which allows for special depositions to be taken with the goal of preserving evidence for future trials of the remaining fugitives, in particular those three[8] earmarked for trial before the Tribunal. This amendment addresses the pressing problem of increasing loss of evidence, 15 years after the genocide.

D. Work of the Office of the Prosecutor — referrals

51. The Office of the Prosecutor, in addition to continuing with ongoing trial and appellate work and preparations in pending cases, has also started preparation for the trials of the two recently arrested indictees. Pursuant to the recent amendment of the Rules of Procedure and Evidence, the Office is furthermore in the process of preparing the cases of the three top fugitives for preservation of the evidence in their cases.

52. In addition to the new trials, efforts of the Office of the Prosecutor focus on the increasing workload of its Appeals and Legal Advisory Division, as it is expected that every judgement passed by the Trial Chamber, save for those in which the indictee has pleaded guilty, will be challenged on appeal by the Defence and in some cases appeals will also be filed by the Office.

53. Efforts at tracking the remaining 11 fugitives in the Democratic Republic of the Congo and neighbouring countries have been intensified. Pursuant to further representations made by the Office of the Prosecutor at a recent conference of the International Association of Prosecutors, it and the International Criminal Police Organization (INTERPOL) have taken the decision to refocus their energies on the tracking of the fugitives. More arrests are expected.

54. The Office of the Prosecutor awaits a response to its latest communication with the Government of Kenya on its request for further information on the movement of Félicien Kabuga, who is alleged by the Government to have left Kenya. Several requests from the Prosecutor to Kenyan authorities on the circumstances of the alleged departure have remained unanswered to date.

55. A number of countries have begun investigations into the cases of Rwandan suspects residing within their national jurisdiction. These suspects are not indictees of the Tribunal. A number of these national prosecuting authorities have made substantial requests for mutual legal assistance from the Office of the Prosecutor, requiring it to service the foreign requests through intensive documentary searches, contacting witnesses to get their respective consent for disclosure of their statements and other evidentiary materials, and the negotiation and signing of mutual agreements to protect confidential information and sources. This workload is expected to increase over the next biennium.

56. Pursuant to consultations with the Chief of the United Nations Archives and Records Management Section, the Information and Evidence Section of the Office of the Prosecutor, as part of a Tribunal-wide project, has procured the necessary

[8] Félicien Kabuga, Protais Mpiranya, Augustin Bizimana.

equipment and engaged staff to work on the inventory, sorting, inspection, identification, organization and storage of the archives of the Prosecutor.[9]

57. The Prosecutor will be hosting the fifth Colloquium of Prosecutors of International Criminal Tribunals in November 2009 in Kigali on the legacy of the ad hoc tribunals and the future of international criminal law. This follows up on the conference with national prosecuting authorities held in November 2008.

58. Efforts by the Office of the Prosecutor at seeking referral of cases to Rwanda and other countries continue as an essential element of the Tribunal's Completion Strategy. However, lack of will, capacity or jurisdiction is a major stumbling block in this regard in many Member States.

59. Discussions are ongoing between the Office of the Prosecutor, the Government of Rwanda and potential donors to ensure that the country satisfies the requirements for referral of cases to that jurisdiction. The critical issue of witness security is being addressed through the establishment of a witness protection service within the Rwandan judiciary. The Prosecutor plans to make fresh applications in early 2010 for referral of cases to Rwanda. Discussions are also under way with other Member States to take some of the cases on referral.

E. Cooperation between States and the Tribunal

60. Efficient cooperation between Member States and the Tribunal remains a key element of the Tribunal's work. This relates in particular to ensuring the arrests of the remaining fugitives, possible referral of cases to national jurisdictions, the transfer of convicts for the enforcement of their sentence and the relocation of acquitted persons and persons who have served their sentence.

61. The Tribunal commends the authorities of the Democratic Republic of the Congo and Uganda for their efficient cooperation in the arrest and transfer to the Tribunal of Grégoire Ndahimana and Idelphonse Nizeyimana. As set out above, 11 fugitives remain at large, among them three of the four high-rank indictees.

62. In May 2009, the President of the Tribunal signed decisions for the transfer of nine convicts to Benin for the enforcement of their sentences.

63. The Office of the Registrar continues in its efforts to find host countries for relocation of the two acquitted persons who currently remain under the protection of the Tribunal in Arusha.

F. Outreach, capacity-building and legacy matters

64. The Tribunal has continued to improve awareness of its work, challenges and achievements through its outreach programme, with the financial support of the European Commission. During the reporting period, in cooperation with the Government of Rwanda, the Tribunal inaugurated seven more information and documentation centres across Rwanda in close proximity to local courts, in addition to the three already mentioned in the previous report. The centres work closely with

[9] See paragraph 72 below.

local authorities and communities under the supervision and guidance of the External Relations and Strategic Planning Section Office of the Tribunal in Kigali.

65. In addition to ongoing assistance for Rwandan journalists, the outreach programme has also produced documentaries in French, English and Kinyarwanda about some of the cases that have already been completed.

66. During this reporting period, the External Relations and Strategic Planning Section team in Kigali visited 37 secondary schools in nine Rwandan districts to continue the awareness-raising programmes. A three-day pilot project workshop was held in October 2009 for secondary school students and teachers from two districts in northern Rwanda. The workshop led to the formation of a genocide awareness-raising network. If additional funds can be made available in 2010, the same programmes could be conducted throughout Rwanda in order to strengthen membership in the established network and ensure a wider representation. The involvement, interest and support of local authorities have been very encouraging so far. Additionally, the Section hopes that a youth sensitization project in the Great Lakes Region will also soon be implemented, as the Government of Germany has already granted a non-refundable voluntary contribution of up to $240,400 in support of this project.

67. The Tribunal has also continued its training work for Rwandan judges, prosecutors, Defence counsel and court staff, including training sessions in international criminal law, adversarial criminal procedures and court administration and information management.

68. The Tribunal library has contributed to strengthening the judicial and academic sectors in Rwanda through training sessions in online legal research methods and library/information management. In June 2009, 100 members of the Rwanda Bar Association were successfully trained in Kigali. Between August and October 2009, the External Relations and Strategic Planning Section team in Kigali embarked on the continuation of the online legal research training programme at the 10 provincial centres for 500 participants, including judges, prosecution lawyers, law students and library students. The demand for future training remains high. Member States are strongly encouraged to consider contributions.

69. The Tribunal library is also currently distributing new CD-ROMs and DVDs, which contain all basic documents and case law of the Tribunal for the periods of 2007 to 2008 and 1995 to 2008, respectively. These materials are distributed in Rwanda free of charge, starting with the 10 new information and documentation centres, the Rwandan judiciary, non-governmental organizations, public libraries in all universities, local and foreign visitors and researchers from around the world. The online version of this database is continuously being updated.

G. Residual issues

70. The Tribunal welcomes the report of the Secretary-General on the administrative and budgetary aspects of the options for possible locations for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the residual mechanism(s) for the Tribunals of 21 May 2009 (S/2009/258). It appreciates the broad range of possibilities provided to contribute to the drafting process, following

discussions in the Security Council Informal Working Group on the International Tribunals. The report constitutes a valuable basis for the forthcoming decisions of the Security Council on the residual mechanisms to be established.

71. The Tribunal has commenced its work on the recommendations contained in the last paragraph of the report of the Secretary-General, concerning preparatory work in the Tribunals for the transitional period. The Legacy Committee of the Tribunal, including representatives of the three organs of the Tribunal, coordinates this work, which is ongoing in all sections of the Tribunal.

- As set out above,[10] efforts continue to enable referrals to national jurisdictions for the trials of eight of the remaining 11 fugitives.
- A legal team has started compiling and reviewing witness protection orders and decisions issued by the Tribunal since its inception. The Rules Committee of the Tribunal, assisted by the Registry, has commenced discussions on possible ways of reviewing witness protection orders and decisions, and a possible amendment of the current rule allowing confidential disclosure of protected information to States.
- The review of all agreements of the Tribunal with States and other international bodies and contracts with private entities has started with the view to determining their fate after the closure of the Tribunal.
- Ten information centres have been opened throughout Rwanda in 2009 to facilitate public access to documents of the Tribunal.[11]

72. Implementation activities concerning the recommendations on archives and record management are also under way. These activities will ensure timely compliance with the recommendations.

- All documents that relate to the official jurisprudence of the Tribunal have been designated for permanent retention. They have been digitized and the electronic records have been captured within a compliant electronic records-keeping system. A project to inventory and arrange the original judicial records is under way, and the arrangement of all open-session transcripts (an estimated 15,000 documents comprising 750,000 pages) has been completed. By the end of the Tribunal's mandate, it is estimated that there will be over 86,000 judicial records, comprising over 2 million pages. Sufficient resources have been allocated to complete the arrangement, re-housing and verification of all judicial records prior to the end of 2010. A project to digitize the audio-visual recordings of the Tribunal's proceedings is under way, with 5,000 hours of audio material digitized to date. All 45,000 hours of audio-visual material will have been digitized and redacted by June 2011. The digitization projects are designed to enhance the accessibility of non-confidential Tribunal records. The Tribunal has been working with the United Nations Archives and Records Management Section and the International Tribunal for the Former Yugoslavia towards the development of an access regime for the records of the Tribunal in the post-closure phase.

[10] Paragraphs 58 to 59.

[11] See paragraph 64 above.

- United Nations-approved retention policies are being applied to the administrative and other substantive records of the Tribunal for which clear policy guidelines exist. To date, no administrative records of temporary value have been disposed of. In addition, the Tribunal has been working in close cooperation with the International Tribunal for the Former Yugoslavia, under the lead of the Archives and Records Management Section, towards the development of a common policy of retention and preservation for all records of the Tribunals. The first step will be a business analysis, which is expected to be completed by the end of 2009.

- All evidence of the Office of the Prosecutor has been designated for permanent retention and is well maintained. A project is under way to inventory and arrange the other substantive records of the Office, including investigators' files, and to digitize any records of permanent value. Once the common retention policy for the records of the Tribunals has been developed, it will be applied to all records of the Office.

- The goal of preparing all digital records for future migration into the record-keeping systems of the institution that is designated to receive them is anticipated to be attained by the end of 2010.

- The provenance of the duplicate records currently housed in the judicial records repository is being investigated to ensure that a clear audit trail is maintained prior to the authorization for disposition of any material.

- Electronic versions of all archival paper-based judicial records maintained by the Registry are currently stored within the Total Records Information Management database and the methodology for entering digital audio-visual records has been developed. These records will be entered as they are generated. A project to enter long-term to permanent administrative records is under way, with approximately 10,000 records entered to date. The database is widely used throughout the United Nations system, including in the Archives and Records Management Section. It is anticipated that any future migration from the database will be a standardized procedure. The inventory and migration strategy will be developed and implemented by the end of 2010.

- Electronic versions of all evidence maintained by the Office of the Prosecutor have been generated and investigations into the feasibility of the future migration of this material into a compliant record-keeping system have yielded promising results. It is anticipated that the migration to any record-keeping system approved by the United Nations Archives and Records Management Section will be a straightforward process.

- The development of an information security strategy that includes the appropriate (de)classification of all records and archives has not yet been initiated. However, the Tribunal has informally consulted with counterparts at the International Tribunal for the Former Yugoslavia, who are in the process of developing a pilot (de)classification project. It is expected that the results of this project will assist in the identification of required resources and the development of a strategy to attain this goal.

Conclusion and updated prognosis regarding the implementation of the Completion Strategy

73. Intense trial activity has continued at the Tribunal during the reporting period and will continue during the first half of 2010. After mid-2010, the focus at the trial level will be on judgement drafting in all currently pending cases as well as on the trial proceedings for the two recently arrested indictees and evidence preservation hearings for remaining high-rank accused fugitives.

74. The forecasts of the previous Completion Strategy report have been exceeded with regard to judgement delivery in the reporting period. Four single-accused judgements have been delivered (*Kalimanzira, Nshogoza, Renzaho* and the sentencing judgement on the *Bagaragaza* guilty plea) and at least two judgements in single-accused cases, including one retrial, are expected before the end of 2009 (*Nsengimana, Muvunyi*), with the judgement in *Setako* to follow shortly thereafter.

75. The Tribunal remains strongly committed to completing the large majority of the trial work within its now-extended mandate, i.e., the end of 2010, but spillovers into 2011 are to be expected in three of the ongoing cases and in the two new cases.

76. All multi-accused trials, with the exception of *Karemera et al.*, continue in the judgement drafting phase. Judgement delivery is now expected between end of September and December 2010 for the *Bizimungu et al*, "*Butare*" and "*Military II*" trials, involving in total 14 accused. This delay, compared with projections in the previous report, is caused by parallel assignments to other cases of all judges and legal staff involved. The poor health of one accused in the *Karemera et al.* trial requires that current evidence be heard, for the time being, with additional breaks and in half-day sessions only. This is indispensable for ensuring a fair trial but inevitably delays its completion. Therefore, judgement delivery in this trial is not to be expected before the first half of 2011.

77. Concerning single-accused cases, the Tribunal mastered the challenging task of commencing 10 new trials in the course of 2009. In two of these cases (*Nshogoza* and *Bagaragaza*), judgements have already been delivered, with the judgement in the *Muvunyi* retrial to be delivered shortly, subject to the decision of the Appeals Chamber regarding the motion for a judgement of acquittal. The evidence phase in two more cases has been completed. In five other cases, the evidence phase will spill over into the first half of 2010 for a variety of reasons that made adjournments necessary, in particular the requirement to provide the Defence with adequate time for preparation so as to ensure a fair trial. Scheduling also had to take into account the parallel assignments of all judges in more than one case at a time, and the necessary time for complex deliberations in the ongoing judgement drafting for the multi-accused cases. This also is the reason for an expected spillover into 2011 of the judgement drafting in two single-accused cases, *Ngirabatware* and *Nzabonimana*. Priority needs to be given here to the judgement drafting in the "*Butare*" case, in which judges of these cases are involved.

78. Additional staff joined Chambers and the Office of the Prosecutor during the reporting period on short-term and temporary contracts. The continuous difficulty in providing longer term contract security, however, leads to an ongoing high staff turnover, with negative implications for the support of trials and delays in the judgement drafting processes. Offering contracts in line with the trial schedules into

the new budget cycle within the next month will hopefully help to alleviate the situation.

79. Preparations at the Tribunal for the transition to the residual mechanism(s) are under way, and all organs are working on the implementation of the recommendations set out for the transitional period in the report of the Secretary-General.

80. The Tribunal is making every effort to complete its mandate as soon as possible. The high output in judgements and the large number of newly commenced trials in 2009 is clear proof of this fact. The efforts include the intensified tracking of the remaining 11 fugitives, but also continued work with national jurisdictions, which could accept referred cases from the Tribunal in the near future. The arrest of fugitives and the referral of cases are interlinked and essential elements of the Completion Strategy. The Tribunal depends on the willingness and resources of the international community to achieve the goals of this Strategy.

Annex 1 (A)

Trial judgements delivered as of 9 November 2009: 48 accused in 39 judgements

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Judgement*
1	J.-P. Akayesu	*Bourgmestre* of Taba	30 May 1996	TC1	2 September 1998
2	J. Kambanda	Prime Minister	1 May 1998	TC1	4 September 1998 (guilty plea)
3	O. Serushago	Businessman, Interahamwe leader	14 December 1998	TC1	5 February 1999 (guilty plea)
4	C. Kayishema	Prefect of Kibuye	31 May 1996	TC2	21 May 1999 (joinder)
	O. Ruzindana	Businessman	29 October 1996		
5	G. Rutaganda	Businessman, 2nd Vice-president of Interahamwe	30 May 1996	TC1	6 December 1999
6	A. Musema	Businessman	18 November 1997	TC1	27 January 2000
7	G. Ruggiu	Journalist, Radio-Télévision Libre des Milles Collines	24 October 1997	TC1	1 June 2000 (guilty plea)
8	I. Bagilishema	*Bourgmestre* of Mabanza	1 April 1999	TC1	7 June 2001
9	G. Ntakirutimana	Doctor	2 December 1996	TC1	21 February 2003 (joinder)
	E. Ntakirutimana	Pastor	31 March 2000		
10	L. Semanza	*Bourgmestre* of Bicumbi	16 February 1998	TC3	15 May 2003
11	E. Niyitegeka	Minister of Information	15 April 1999	TC1	15 May 2003
12	J. Kajelijeli	*Bourgmestre* of Mukingo	19 April 1999	TC2	1 December 2003
13	F. Nahimana	Radio-Télévision Libre des Milles Collines Director	19 February 1997	TC1	"*Media* case" (joinder) 3 December 2003
	H. Ngeze	Kangura Editor	19 November 1997		
	J.-B. Barayagwiza	Director, Ministry of Foreign Affairs	23 February 1998		
14	J. Kamuhanda	Minister of Culture and Education	24 March 2000	TC2	22 January 2004
15	A. Ntagerura	Minister of Transport	20 February 1997	TC3	"*Cyangugu* case" (joinder) 25 February 2004
	E. Bagambiki	Prefect of Cyangugu	19 April 1999		
	S. Imanishimwe	Lieutenant, Forces armées rwandais	27 November 1997		

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Judgement*
16	S. Gacumbitsi	*Bourgmestre* of Rusumo	20 June 2001	TC3	17 June 2004
17	E. Ndindabahizi	Minister of Finance	19 October 2001	TC1	15 July 2004
18	V. Rutaganira	Councillor of Mubuga	26 March 2002	TC3	14 March 2005 (guilty plea)
19	M. Muhimana	Councillor of Gishyita	24 November 1999	TC3	28 April 2005
20	A. Simba	Lieutenant-Colonel, Forces armées rwandais	18 March 2002	TC1	13 December 2005
21	P. Bisengimana	*Bourgmestre* of Gikoro	18 March 2002	TC2	13 April 2006 (guilty plea)
22	J. Serugendo	Technical Director, Radio-Télévision Libre des Milles Collines	30 September 2005	TC1	12 June 2006 (guilty plea)
23	J. Mpambara	*Bourgmestre* of Rukara	8 August 2001	TC1	12 September 2006
24	T. Muvunyi	Commander, École des sous-officiers	8 November 2000	TC2	12 September 2006
25	A. Rwamakuba	Minister of Education	7 April 1999	TC3	20 September 2006
26	A. Seromba	Priest, Kivumu Commune	8 February 2002	TC3	13 December 2006
27	J. Nzabirinda	Youth organizer	27 March 2002	TC2	23 February 2007 (guilty plea)
28	J. Rugambarara	*Bourgmestre* of Bicumbi	15 August 2003	TC2	16 November 2007 (guilty plea)
29	GAA	Witness before Tribunal proceedings	10 August 2007	TC3	4 December 2007 (contempt of Tribunal)
30	F. Karera	Prefect of Kigali	26 October 2001	TC1	7 December 2007
31	S. Nchamihigo	Deputy Prosecutor of Cyangugu	29 June 2001	TC3	24 September 2008
32	S. Bikindi	Musician	4 April 2002	TC3	2 December 2008
33	P. Zigiranyirazo	Businessman	10 October 2001	TC3	18 December 2008
34	T. Bagosora	Director of Cabinet, Ministry of Defence	20 February 1997	TC1	"*Military I* case" (joinder) 18 December 2008
	G. Kabiligi	Brigadier-General, Forces armées rwandais	17 February 1998		
	A. Ntabakuze	Battalion Commander, Forces armées rwandais	24 October 1997		
	A. Nsengiyumva	Lieutenant-Colonel, Forces armées rwandais	19 February 1997		

Case No	*Name*	*Former title*	*Initial appearance*	*TC*	*Judgement*
35	E. Rukundo	Chaplain	26 September 2001	TC2	27 February 2009
36	C. Kalimanzira	*Directeur de Cabinet*, Ministry of the Interior	14 November 2005	TC3	22 June 2009
37	L. Nshogoza	Former Defence investigator (contempt of court case)	11 February 2008	TC3	2 July 2009
38	T. Renzaho	Prefect of Kigali-Ville	21 November 2002	TC1	14 July 2009
39	M. Bagaragaza	Director General of government office controlling the tea industry	16 August 2005	TC3	5 November 2009 (guilty plea)

Annex 1 (B)

Cases where judgement delivery is awaited: 17 accused in 6 cases

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Comments*
40	H. Nsengimana	Rector, Christ-Roi College	16 April 2002	TC1	Started on 22 June 2007. Evidence completed in September 2008. Closing arguments in February 2009. Judgement on 17 November 2009.
41	C. Bizimungu	Minister of Health	3 September 1999	TC2	"*Bizimungu et al.* case" (joinder). Started on 5 November 2003. Evidence completed in June 2008. Closing arguments in December 2008. Judgement expected end-2010.
	J. Mugenzi	Minister of Commerce	17 August 1999		
	J. Bicamumpaka	Minister of Foreign Affairs	17 August 1999		
	P. Mugiraneza	Minister of Civil Service	17 August 1999		
42	P. Nyiramasuhuko	Minister of Family and Women's Affairs	3 September 1997	TC2	"*Butare* case" (joinder). Started on 12 June 2001. Evidence completed in February 2009. Closing arguments in April 2009. Judgement expected September 2010.
	A. S. Ntahobali	Interahamwe leader	17 October 1997		
	S. Nsabimana	Prefect of Butare	24 October 1997		
	A. Nteziryayo	Prefect of Butare	17 August 1998		
	J. Kanyabashi	*Bourgmestre* of Ngoma	29 November 1996		
	E. Ndayambaje	*Bourgmestre* of Muganza	29 November 1996		
43	A. Ndindilyimana	Chief of Staff of Gendarmerie	27 April 2000	TC2	"*Military II* case" (joinder). Started on 20 September 2004. Completion in February 2009. Closing arguments in June 2009. Judgement expected September 2010.
	F.-X. Nzuwonemeye	Battalion Commander, Forces armées rwandais	25 May 2000		
	I. Saguhutu	2IC of Reconnaissance Battalion	28 November 2000		
	A. Bizimungu	Chief of Staff, Forces armées rwandais	21 August 2002		

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Comments*
44	T. Muvunyi	Interim Commander, École des sous-officiers Camp (retrial)	8 November 2000	TC3	Retrial following Appeals Chamber Judgement of 28 August 2008. Started June 2009. Completion in August 2009. Closing arguments in October 2009. Judgement expected end-2009.
45	E. Setako	Lieutenant-Colonel	22 November 2004	TC1	Started 25 August 2008. Completion in June 2009. Closing arguments in November 2009. Judgement expected early 2010.

Annex 1 (C)

Cases where trial is closed but closing arguments are yet to be heard: 2 accused in 2 cases

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Comments*
46	Y. Munyakazi	Interahamwe leader	12 May 2004	TC1	Started 20 April 2009. Completion in September 2009. Judgement expected May 2010.
47	I. Hategekimana	Lieutenant, Commander of Ngoma Camp, Butare	28 February 2003	TC2	Started 16 March 2009. Completion in October 2009. Judgement expected May 2010.

Annex 1 (D)

Ongoing trials: 8 accused in 6 cases

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Comments*
48	E. Karemera	Minister of Interior, Vice-President of the Mouvement républicain national pour le développement et la démocratie (MRND)	7 April 1999		"*Karemera et al.* case" (joinder). Started on 27 November 2003.
	M. Ngirumpatse	Director-General, Ministry of Foreign Affairs, President of MRND	7 April 1999	TC3	Started *de novo* on 19 September 2005. Completion expected in 2010. Judgement expected first half of 2011.
	J. Nzirorera	President of National Assembly, Secretary General of MRND	7 April 1999		
49	G. Kanyarukiga	Businessman	22 July 2004	TC2	Started on 1 June 2009. Completion expected in February 2010. Judgement expected in July 2010.
50	A. Ngirabatware	Minister in the interim Government	10 October 2008; further initial appearance on 9 February 2009.	TC2	Started on 31 August 2009. Completion expected in July 2010. Judgement expected early 2011.
51	D. Ntawukulilyayo	*Sous-préfet* of Butare *préfecture*	10 June 2008	TC3	Started on 4 May 2009. Completion expected in November 2009. Judgement expected in September 2010.
52	J.-B. Gatete	*Bourgmestre* of Murambi	20 September 2002	TC3	Started on 20 October 2009. Completion expected in March 2010. Judgement expected end-2010.
53	C. Nzabonimana	Minister of Youth in the interim Government	20 February 2008	TC3	Started on 9 November 2009. Completion expected in May 2010. Judgement expected early 2011.

Annex 2

Awaiting trial: 2 accused whose cases will commence in 2010

Name	*Former title*	*Initial appearance*	*TC*
G. Ndahimana	*Bourgmestre* of Kivumu	28 September 2009	Tbd
I. Nizeyimana	Second-in-Command, École des sous-officiers	14 October 2009	Tbd

Annex 3

11 fugitives

Augustin Bizimana

Félicien Kabuga

Fulgence Kayishema

Protais Mpiranya

Bernard Munyagishari

Aloys Ndimbati

Ladislas Ntaganzwa

Charles Ryandikayo

Charles Sikubwabo

Jean-Bosco Uwinkindi

Phénéas Munyarugarama